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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,677	03/15/2001	Michel Burger	10360-059001 / 12291SS	5430
26161	7590	07/16/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			BRUCKART, BENJAMIN R	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,677

Applicant(s)

BURGER ET AL.

Examiner

Benjamin R Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Claims 1-30 are pending in this Office Action.

Formal Drawings

The formal drawings received on 2/24/02 have been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,621,895 by Giese.

Regarding claim 1, a method for use in establishing communication between a server and an end-user (Giese: col. 8, lines 25-43; col. 12, lines 33-35), the method comprising:

retrieving data that relates to the end-user (Giese: col. 4, lines 19-21, lines 31-39), the data including a communication mode (Giese: col. 11, lines 32-57) and contact information (Giese: col. 10, lines 50-55) for establishing communication with the end-user (Giese: col. 8, lines 25-43);

providing the contact information to a server that corresponds to the communication mode (Giese: col. 13, lines 58-65); and

establishing communication to the end user, via the server, using the contact information (Giese: col. 12, lines 33-35; col. 17, lines 17-21).

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Regarding claim 2, the method of claim 1, further comprising receiving an identity of a remote agent (Giese: col. 10, lines 50-55; col. 4, lines 19-21);

wherein the communication is established between the end-user and the remote agent via the communication mode (Giese: col. 11, lines 32-57).

Regarding claim 3, the method of claim 1, further comprising:

storing a user profile that contains the contact information (Giese: col. 10, lines 50-63);

wherein retrieving comprises retrieving the contact information from the user profile (Giese: col. 10, lines 58-66; col. 11, lines 37-40).

Regarding claim 4, the method of claim 1, wherein the data is retrieved from a server that is in communication with the end-user (Giese: col. 10, lines 55-66).

Regarding claim 5, the method of claim 1, wherein the communication mode comprises one of video, voice and online chat, and the server comprises one of a video server, a voice server, and an online chat server (Giese: col. 11, lines 47-57; col. 5, lines 7-22).

Regarding claim 6, the method of claim 1, wherein the contact information is provided to the server through an application-programming interface that interfaces to the server (Giese: col. 3, lines 6-11; col. 4, lines 34-39).

Regarding claim 7, the method of claim 1, wherein the contact information comprises one or more of an Internet Protocol address, a telephone number, and an e-mail address (Giese: col. 11, lines 4-13; col. 14, lines 1-6).

Regarding claim 8, the method of claim 1, further comprising:

providing the end-user with a graphical user interface for selecting the mode of communication (Giese: col. 8, lines 59-65; col. 11, lines 37-42).

Regarding claim 9, a network (Giese: col. 8, lines 39-43, lines 59-65) comprising:

a client (Giese: col. 19, lines 60-63);

a Web server in communication with the client (Giese: col. 20, lines 8-11; connectivity server; col. 17, lines 38-53; col. 5, lines 7-22; the multimedia are all aspects that are displayed in html; the client interacts with the server through a browser);

a media framework server in communication with the Web server (Giese: col. 20, lines 12-34); and

communication servers capable of communicating with the client through modes of communication (Giese: col. 20, lines 8-11, lines 55-64);

wherein the client specifies a mode of communication to the Web server (Giese: col. 8, lines 59-65; col. 11, lines 37-42), the Web server provides the mode of communication to the media framework server (Giese: col. 11, lines 37-42; col. 12, lines 40-49), the media framework server instructs a communication server that corresponds to the mode of communication to contact the client (Giese: col. 14, lines 7-28), and the communication server contacts the client using the mode of communication (Giese: col. 14, lines 33-47; col. 21, lines 30-50).

Regarding claim 10, the network of claim 9, wherein the Web server provides contact information for an end-user at the client to the media framework server, and the communication server uses the contact information to contact the client (Giese: col. 11, lines 37-42; col. 12, lines 4-27).

Regarding claim 11, the network of claim 10, wherein the media framework server stores the contact information in a profile for the end-user (Giese: col. 10, lines 50-63).

Regarding claim 12, the network of claim 11, wherein the contact information comprises one or more of an Internet Protocol address, a telephone number, and an e-mail address (Giese: col. 11, lines 4-13; col. 14, lines 1-6).

Regarding claim 13, the network of claim 9, wherein the Web server and the media framework server are implemented on the same machine (Giese: col. 20, lines 8-19).

Regarding claim 14, the network of claim 9, wherein the Web server, the media framework server, and the communication servers are implemented on the same machine (Giese: col. 20, lines 8-19).

Regarding claim 15, a computer program stored on a computer-readable medium for use in establishing communication between a server and an end-user (Giese: col. 8, lines 25-43; col. 12, lines 33-35; col. 5, lines 23-47), the computer program comprising instructions that cause a machine to:

- retrieve data that relates to the end-user (Giese: col. 4, lines 19-21, lines 31-39), the data including a communication mode (Giese: col. 11, lines 32-57) and contact information (Giese: col. 10, lines 50-55) for establishing communication with the end-user (Giese: col. 8, lines 25-43);

- provide the contact information to a server that corresponds to the communication mode (Giese: col. 13, lines 58-65); and

- establish communication to the end user, via the server, using the contact information (Giese: col. 12, lines 33-35; col. 17, lines 17-21).

Regarding claim 16, the computer program of claim 15, further comprising instructions that cause the machine to receive an identity of a remote agent (Giese: col. 10, lines 50-55; col. 4, lines 19-21);

- wherein the communication is established between the end-user and the remote agent via the communication mode (Giese: col. 11, lines 32-57).

Regarding claim 17, the computer program of claim 15, further comprising instructions that cause the machine to:

- store a user profile that contains the contact information (Giese: col. 10, lines 50-63);

- wherein retrieving comprises retrieving the contact information from the user profile (Giese: col. 10, lines 58-66; col. 11, lines 37-40).

Regarding claim 18, the computer program of claim 15, wherein the data is retrieved from a server that is in communication with the end-user (Giese: col. 10, lines 55-66).

Regarding claim 19, the computer program of claim 15, wherein the communication mode comprises one of video, voice and online chat, and the server comprises one of a video server, a voice server, and an online chat server (Giese: col. 11, lines 47-57; col. 5, lines 7-22).

Regarding claim 20, the computer program of claim 15, wherein the contact information is provided to the server through an application-programming interface that interfaces to the server (Giese: col. 3, lines 6-11; col. 4, lines 34-39).

Regarding claim 21, the computer program of claim 15, wherein the contact information comprises one or more of an Internet Protocol address, a telephone number, and an e-mail address (Giese: col. 11, lines 4-13; col. 14, lines 1-6).

Regarding claim 22, the computer program of claim 15, further comprising instructions that cause the machine to:

provide the end-user with a graphical user interface for selecting the mode of communication (Giese: col. 8, lines 59-65; col. 11, lines 37-42).

Regarding claim 23, an apparatus for use in establishing communication between a server and an end-user (Giese: col. 8, lines 25-43; col. 12, lines 33-35; col. 5, lines 23-47), the apparatus comprising:

a memory that stores executable instructions; and a processor (Giese: col. 5, lines 23-30) that executes the instructions to:

retrieve data that relates to the end-user (Giese: col. 4, lines 19-21, lines 31-39), the data including a communication mode (Giese: col. 11, lines 32-57) and contact information (Giese:

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col. 10, lines 50-55) for establishing communication with the end-user (Giese: col. 8, lines 25-43);

provide the contact information to a server that corresponds to the communication mode (Giese: col. 13, lines 58-65); and

establish communication to the end user, via the server, using the contact information (Giese: col. 12, lines 33-35; col. 17, lines 17-21).

Regarding claim 24, the apparatus of claim 23, wherein:

the processor executes instructions to receive an identity of a remote agent (Giese: col. 10, lines 50-55; col. 4, lines 19-21); and

the communication is established between the end-user and the remote agent via the communication mode (Giese: col. 11, lines 32-57).

Regarding claim 25, the apparatus of claim 23, wherein:

the processor executes instructions to store a user profile that contains the contact information (Giese: col. 10, lines 50-63); and

retrieving comprises retrieving the contact information from the user profile (Giese: col. 10, lines 58-66; col. 11, lines 37-40).

Regarding claim 26, the apparatus of claim 23, wherein the data is retrieved from a server that is in communication with the end-user (Giese: col. 10, lines 55-66).

Regarding claim 27, the apparatus of claim 23, wherein the communication mode comprises one of video, voice and online chat, and the server comprises one of a video server, a voice server, and an online chat server (Giese: col. 11, lines 47-57; col. 5, lines 7-22).

Regarding claim 28, the apparatus of claim 23, wherein the contact information is provided to the server through an application-programming interface that interfaces to the server (Giese: col. 3, lines 6-11; col. 4, lines 34-39).

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Regarding claim 29, the apparatus of claim 23, wherein the contact information comprises one or more of an Internet Protocol address, a telephone number, and an e-mail address (Giese: col. 11, lines 4-13; col. 14, lines 1-6).

Regarding claim 30, the apparatus of claim 23, wherein the processor executes instructions to provide the end-user with a graphical user interface for selecting the mode of communication (Giese: col. 8, lines 59-65; col. 11, lines 37-42).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324.

Benjamin R Bruckart
Examiner
Art Unit 2155
brb
June 30, 2004

brb

Hosain Alam
HOSAIN ALAM
JOINT PATENT EXAMINER